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10 Attorneys for Plaintiff
11 Tinisha Price

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

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TINISHA PRICE,) Case No.: 2:19-cv-01319-EJY
Plaintiff,) STIPULATION AND PROPOSED
vs.) ORDER FOR THE AWARD AND
ANDREW SAUL,) PAYMENT OF ATTORNEY FEES
Commissioner of Social Security,) AND EXPENSES PURSUANT TO
Defendant.) THE EQUAL ACCESS TO JUSTICE
) ACT, 28 U.S.C. § 2412(d) AND
) COSTS PURSUANT TO 28 U.S.C. §
) 1920
)

17 TO THE HONORABLE ELAYNA J. YOUCAH, MAGISTRATE JUDGE
18 OF THE DISTRICT COURT:

19 IT IS HEREBY STIPULATED by and between the parties through their
20 undersigned counsel, subject to the approval of the Court, that Tinisha Price be
21 awarded attorney fees and expenses in the amount of three thousand two hundred
22 fifty dollars (\$3,250.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C.
23 § 2412(d). This amount represents compensation for all legal services rendered on
24 behalf of Plaintiff by counsel in connection with this civil action, in accordance
25 with 28 U.S.C. §§ 1920; 2412(d).

1 After the Court issues an order for EAJA fees to Tinisha Price, the
2 government will consider the matter of Tinisha Price's assignment of EAJA fees to
3 Cyrus Safa. The retainer agreement containing the assignment is attached as
4 exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to
5 honor the assignment will depend on whether the fees are subject to any offset
6 allowed under the United States Department of the Treasury's Offset Program.
7 After the order for EAJA fees is entered, the government will determine whether
8 they are subject to any offset.

9 Fees shall be made payable to Tinisha Price, but if the Department of the
10 Treasury determines that Tinisha Price does not owe a federal debt, then the
11 government shall cause the payment of fees, expenses and costs to be made
12 directly to Law Offices of Lawrence D. Rohlfing, pursuant to the assignment
13 executed by Tinisha Price.¹ Any payments made shall be delivered to Cyrus Safa.

14 This stipulation constitutes a compromise settlement of Tinisha Price's
15 request for EAJA attorney fees, and does not constitute an admission of liability on
16 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
17 shall constitute a complete release from, and bar to, any and all claims that Tinisha
18 Price and/or Cyrus Safa including Law Offices of Lawrence D. Rohlfing may have
19 relating to EAJA attorney fees in connection with this action.

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25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

This award is without prejudice to the rights of Cyrus Safa and/or the Law Offices of Lawrence D. Rohlffing to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATE: May 8, 2020

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ *Cyrus Safa*

BY: _____
Cyrus Safa
Attorney for plaintiff Tinisha Price

DATE: May 11, 2020

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Allison J. Cheung

ALLISON J. CHEUNG
Special Assistant United States Attorney
Attorneys for Defendant **ANDREW SAUL**,
Commissioner of Social Security
(Per e-mail authorization)

DATED: May 12, 2020

IT IS SO ORDERED:

Elayna J. Youchah
UNITED STATES MAGISTRATE JUDGE
ELAYNA J. YOUCRAH